

1 H.589

2 Introduced by Representatives Strong of Albany, Bancroft of Westford,  
3 Batchelor of Derby, Berry of Manchester, Branagan of Georgia,  
4 Browning of Arlington, Cupoli of Rutland City, Dickinson of  
5 St. Albans Town, Fiske of Enosburgh, Gamache of Swanton,  
6 Graham of Williamstown, Hebert of Vernon, Lefebvre of  
7 Newark, Marcotte of Coventry, Martel of Waterford, Potter of  
8 Clarendon, Purvis of Colchester, Quimby of Concord, Savage  
9 of Swanton, Shaw of Pittsford, Tate of Mendon, Terenzini of  
10 Rutland Town, Van Wyck of Ferrisburgh, and Viens of  
11 Newport City

12 Referred to Committee on

13 Date:

14 Subject: Energy; conservation and development; natural resources; land use;  
15 scenic beauty; wind generation

16 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
17 installation of industrial wind generation.

18 An act relating to banning industrial wind

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 10 V.S.A. chapter 152 is added to read:

3 CHAPTER 152. PROHIBITION ON INDUSTRIAL WIND

4 § 6151. LEGISLATIVE FINDINGS

5 The General Assembly makes the following findings of fact:

6 (1) Vermont contains scenic resources of great value that are distributed  
7 throughout the State. These resources have contributed significantly to  
8 Vermont's economic development by attracting tourists, permanent and  
9 part-time residents, and new industries and cultural facilities.

10 (2) Vermont's ridgelines constitute a critical component of these scenic  
11 resources, framing and shaping the State's iconic beauty. The ridgelines also  
12 contain some of the State's most fragile ecosystems and important wildlife  
13 habitat.

14 (3) High elevation forests help to purify water and reduce flooding and  
15 erosion by increasing the capacity of the land to hold water. These forest  
16 benefits have become increasingly important as climate change accelerates and  
17 with it the increased frequency of significant storm events in Vermont and the  
18 related risk of flooding and fluvial erosion.

19 (4) Vermont has undertaken numerous efforts to protect its scenic and  
20 rural character and natural resources, including:

1           (A) Defeating a proposal for a Green Mountain Parkway, a highway  
2           that would have run through the Green Mountains.

3           (B) Prohibiting outdoor advertising such as billboards from view of  
4           the traveling public.

5           (C) Adopting the State Land Use and Development Law, known as  
6           Act 250, “to protect and conserve the lands and the environment of the State.”  
7           This law includes a requirement to obtain a State land use permit before the  
8           construction of improvements for commercial, industrial, or residential use  
9           above 2,500 feet.

10           (D) Under Act 250, adopting a test for impact on scenic  
11           beauty—known as the Quechee test—that requires special attention to  
12           preserving the scenic qualities of ridgelines.

13           (E) Establishing statutory land use goals under 24 V.S.A. § 4302 that  
14           include maintaining the historic settlement pattern of compact villages and  
15           urban centers separated by rural countryside and preserving important natural  
16           and historic features of Vermont’s landscape, including significant natural and  
17           fragile areas and significant scenic views.

18           (5) Industrial wind is constructed at high elevations in order to take  
19           advantage of the wind resource available at those elevations. This construction  
20           involves land clearing and disturbance and building roads, substations, and

1 utility poles and wires. The resulting wind turbines are often visible  
2 throughout the surrounding countryside.

3 (6) Development of high elevation industrial wind is detrimental to the  
4 preservation of Vermont's scenic resources and therefore to the State's  
5 economic base. Such development is also detrimental to the conservation of  
6 important ecosystems and wildlife habitat. Clearing of high elevation forests  
7 for these projects undermines the ability of the land to retain water and  
8 therefore contributes to increased flood and erosion risk from storm events.

9 § 6152. PROHIBITION

10 (a) Definitions. As used in this chapter:

11 (1) "Expand" means to construct additional improvements at a plant that  
12 constitutes industrial wind, increase the square footage or height of existing  
13 improvements at such a plant, or increase the plant capacity of such a plant.

14 (2) "Industrial wind" means a plant that captures the energy of the wind  
15 and converts it into electricity and has a plant capacity of more than  
16 500 kilowatts. The term includes all associated facilities and infrastructure  
17 such as wind turbines, towers, guy wires, power lines, roads, and substations.

18 (3) "Person" has the same meaning as in section 6001 of this title.

19 (4) "Plant" and "plant capacity" have the same meaning as in 30 V.S.A.

20 § 8002.



1           (B) no such company may exercise the right of eminent domain in  
2 connection with site preparation for or construction of any such transmission or  
3 generation facility, unless the Public Service Board first finds that the same  
4 will promote the general good of the State and issues a certificate to that effect.  
5 However, the Board shall not issue a certificate under this section to industrial  
6 wind as defined in 10 V.S.A. § 6152.

7           Sec. 4. CONFORMING REVISION

8           In preparing this act for codification and for publication in the Acts and  
9 Resolves, the Office of Legislative Council shall substitute the actual date for  
10 the phrase “effective date of this chapter.”

11           Sec. 5. EFFECTIVE DATE

12           This act shall take effect on passage.